Amendment in response to
September 18, 2006 final Office action

Atty Dkt No.: 2003P06989US
Serial No.: 10/755,065

REMARKS

Claims 1 – 20 and 22 – 36 remain in the application and stand finally rejected. Claim 21 is canceled herein. Claims 1, 16, 21, 29, 31 and 32 are amended herein. Although this Response is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

Claim 1 is amended by this proposed amendment to recite "defining a set of target hand-over devices" before "automatically detecting call hand-over threshold" from which the handover device is selected and "wherein selection of said second call device is manually selectable from said first device; ... ." Thus, claim 1 is amended to include the recitations of finally rejected claim 21 (canceled by this proposed amendment). As previously noted, claim 21 is supported in the specification (e.g., on page 4, lines 10 – 13). Claim 1 is further amended to include the canceled recitations of claim 16, i.e., "automatically initiating hand-overs responsive to detecting said threshold" with selected handovers being halted. Further, claim 1 is amended to recite that "at least one of said first call device and said set of target hand-over devices supports wireless local area network (WLAN) communications," which is supported by claims 3, 11, 12 and 13. No new matter is added.

Similarly, claim 29 is amended by this proposed amendment to recite "a user interface for pre-selecting a set of target hand-over devices ... [such that] the selector indicator ... automatically selects said second call device from said set of target hand-over devices; a forced hand-over override selectively overriding said detector circuit responsive to manual input on said first device, ..." This is supported by finally rejected canceled claim 21 and claim 32 (amended), and is neither shown nor suggested by any reference of record. Claim 29 is also amended to recite the canceled recitations of claim 16, i.e., that the "selector indicator ... automatically initiates hand-overs to selected second call devices" with selected handovers being halted. Further, claim 29 is amended to recite that "at least one of said first call device and said

set of target hand-over devices supporting wireless local area network (WLAN) communications;" which also is supported by claims 3, 11, 12 and 13. No new matter is added.

Claim 31 is amended to recite "and said selector indicator selects when said WLAN device hands over to a non-WLAN device responsive to wireless local area network information and call priorities." This is supported by claims 27 and 28 and not shown buy any reference of record.

Claims 1 – 15, 19, 20, 22 – 25, 27 – 32, 35 and 36 are finally rejected under 35 USC §102(b) as being unpatentable over U.S. Patent No. 6,327,470 to Ostling. Claims 1, 16, 21 and 29 are finally rejected under 35 USC §102(e) as being unpatentable over U.S. Patent No. 6,584,316 to Akhteruzzaman et al. Claims 33 and 34 are rejected under 35 USC §103(a) as being unpatentable over Ostling in view of Official Notice. Claims 1 – 19, 25 – 32 and 36 are finally rejected under 35 USC §103(a) as being unpatentable over published U.S. Patent Application No. 2002/0085516 to Bridgelall in view of Ostling.

Neither of claims 16 and 21 is rejected over either of Ostling or Bridgelall, alone or in combination with each other. So, neither of Ostling or Bridgelall is asserted to show "defining a set of target hand-over devices" before "automatically detecting call hand-over threshold" from which the handover device is selected; or "automatically initiating hand-overs responsive to detecting said threshold" with selected handovers being halted as claims 1 and 29 are amended to recite. *Supra*. Therefore, since claims 16 and 21 are only rejected as over Akhteruzzaman et al., the above amendment to claims 1 and 29, to include these recitations of claims 16 and 21, obviates the need for any further discussion of Ostling or Bridgelall. Accordingly, since the proposed amendment of claims 1 and 29 traverses the rejection over Ostling alone or the combination of Ostling and Bridgelall. Since the proposed amendment presents the "rejected claims in better form for consideration," entry of the amendment is in order. 37 CFR §1.116(b)(2); *see also*, MPEP §714.12. Accordingly, entry of the amendment, reconsideration and withdrawal of the final rejection of claims 1 – 20 and 22 – 36 over Ostling alone or over the

combination of Ostling and Bridgelall under 35 U.S.C. §§102(b) and 103(a) is respectfully requested.

Furthermore, none of claims 2 – 15, 17 – 20, 22 – 28 or 30 – 36 are rejected over Akhteruzzaman et al., alone or in combination with any reference of record. Akhteruzzaman et al. teaches a "telephone call handoff system 54 employing position locating satellites for handing off telephone calls from a wireless network to a wireline network... ." Col. 3, lines 49 – 51. Akhteruzzaman et al. fails to even mention WLAN, LAN, or Internet protocol, at least as far as the applicants could tell. Neither does Akhteruzzaman et al. teach or suggest an apparatus or a method of handing over calls between devices wherein "at least one of said first call device and said set of target hand-over devices supporting wireless local area network (WLAN) communications;" as claims 1 and 29 recite. Nor has it been asserted that this is taught or suggested by Akhteruzzaman et al. alone, or further in combination with any reference of record. Therefore, Akhteruzzaman et al. fails to teach and does not suggest the present invention as recited in claims 1 and 29, as amended. Entry of the amendment, reconsideration and withdrawal of the final rejection of claims 1 and 29, under 35 U.S.C. §102(e) is respectfully requested.

Furthermore, since dependent claims include all of the differences with the references as the claims from which they depend, claim 16, which depends from claim 1, is patentable over Akhteruzzaman et al. Entry of the amendment, reconsideration and withdrawal of the final rejection of claim 16, under 35 U.S.C. §102(e) is respectfully requested.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the proposed amendment to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner, enter the amendment, reconsider and withdraw the final rejection of claims 1 – 20 and 22 – 36 under 35 U.S.C. §§102(b), (e) and 103(a) and allow the application to issue.

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As the applicants previously noted, MPEP §706 "Rejection of Claims," subsection III, "PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED" provides in pertinent part that

> If **the examiner** is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration.**

(emphasis added.)

The applicants believe that the written description of the present application is quite different than and not suggest by any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney by telephone at (650) 694-5339 for a telephonic interview to discuss any other changes.

Respectfully submitted,

December 18, 2006
(Date)

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